

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

Bill No. 09-16

Introduced by: _____ Council Member Guthrie

Legislative Day No. _____ 09-12 _____ Date: _____ April 21, 2009

AN EMERGENCY ACT to repeal and reenact, with amendments, Subsection B(2)(a), Schools, of Section 267-126, Adequate Public Facilities, of Article XV, Growth Management, of Part 2, Miscellaneous Provisions, of Chapter 267, Zoning, as enacted by Council Bill 08-44, as amended, as enacted by the County Council on October 21, 2008; to repeal Council Bill 05-45, as amended, as enacted by the County Council on February 7, 2006; to provide a change in adequacy standards for schools beginning June 30, 2011; and generally relating to adequate public facilities for schools.

By the Council, _____ April 21, 2009

Introduced, read first time, ordered posted and public hearing scheduled

on: _____ May 19, 2009

at: _____ 6:45 pm

By order: Barbara J O'Connor / MKH, Council Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on _____, and concluded on _____.

_____, Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [BRACKETS] indicate matter Deleted from existing law. Underlining indicates Language added to bill by amendment. Language Lined through indicates matter stricken out of Bill By amendment.

Section 1. Be It Enacted by The County Council of Harford County Maryland, That
Subsection B(2)(a), Schools, of Section 267-126, Adequate Public Facilities, of Article XV,
Growth Management, of Part 2, Miscellaneous Provisions, of Chapter 267, Zoning, as enacted by
Council Bill 08-44, as amended, as enacted by the Council on October 21, 2008, be, and it is
hereby repealed and reenacted, with amendments, to read as follows:

Chapter 267. Zoning.

Part 2. Miscellaneous Provisions.

Article XV. Growth Management.

Section 267-126 Adequate Public Facilities.

B. Adequacy standards (minimum acceptable level of service).

(2) Residential development. Approval of residential subdivision plans and site plans for multi-family development shall be subject to findings of adequate capacity based on the standards set in this subsection and the current and projected use level described in the annual growth report:

(a) Schools.

(1) Preliminary approval. Preliminary subdivision plans exceeding 5 lots and site plans for multi-family residential developments exceeding 5 dwelling units shall not be approved at locations where either of the following conditions exists:

(a) The enrollment at the elementary school which serves the site is greater than [105%] 110% of the state rated capacity or is projected to be greater than [105%] 110% within [3] 5 years; or

(b) The enrollment of either the middle school or high school which serves the site is greater than [105%] 110% of the state rated capacity or is projected to be greater than [105%] 110% within [3] 5 years.

1 (2) Conditional review. If paragraphs (2)(a)(1)(a) or (b) of this subsection prevent
2 approval of a preliminary subdivision plan or a site plan, the Department of Planning and
3 Zoning may proceed with conditional review of the plan and place it on a waiting list
4 arranged by date of completion of the review. Record plats, grading permits and public
5 works agreements for utilities or roads shall not be executed by the County until the plan
6 for the project is removed from the waiting list and preliminary approval is granted.
7 Removal from the waiting list shall occur only when the condition that prevented
8 approval under paragraphs (2)(a)(1)(a) or (b) of this subsection no longer exists.

9 (3) Capital project. A preliminary subdivision plan or a site plan may be approved when
10 the enrollment of a school serving the site is greater than [105%] 110% of the state rated
11 capacity, if the following conditions exist:

12 (a) the approved capital budget contains a capital project that has appropriations
13 sufficient to fund the construction of a new school, a school addition or school
14 renovation which, upon completion, will reduce the enrollment at the school
15 which serves the site below [105%] 110% of the state rated capacity;

16 (b) actual construction of the capital project has begun; and

17 (c) the capital project is scheduled to be completed and operational within [1 year]

18 2 YEARS.

19 (4) Exemptions. The provisions of this subsection shall not apply to transient housing,
20 housing for the elderly and continuing care retirement communities.

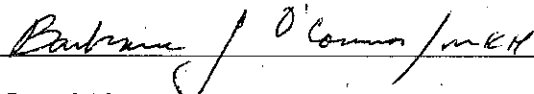
21 Section 2. And Be It Further Enacted, That Section 1 of this Act shall take effect on
22 June 30, 2011.

1 Section 3. And Be It Further Enacted, That Council Bill 05-45, as amended, as
2 enacted by the County Council on February 7, 2006 is hereby repealed.

3 Section 4. And Be it Further Enacted, That this Act is declared to be an emergency
4 act necessary to protect the safety and welfare of students through the repeal of Council
5 Bill 05-45, as amended, so that the state rated capacity for schools will be used to
6 determine school capacity and to require that there be an approved capital project
7 designed to relieve overcrowding at the school prior to the approval of additional
8 residential development plans and, except as provided in Section 2 of this Act, this Act
9 shall take effect on the date it becomes law.

EFFECTIVE:

*The Council Administrator does hereby certify that
fifteen (15) copies of this Bill are immediately available for
distribution to the public and the press.*


Council Administrator